

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 14, 1998

DIVISION TWO

B110739 Goodstein (Not for Publication)
v.
Elstead

The orders under review are reversed. The parties shall bear their own costs.

Fukuto, Acting P.J.

We concur: Nott, J.
Zebrowski, J.

B094175 Markowitz (Not for Publication)
v.
Coley

The order under review is affirmed.

Fukuto, J.

We concur: Boren, P.J.
 Zebrowski, J.

B110345 Frankenstein (Not for Publication)
v.
City of Santa Monica

The summary judgment is affirmed.

Fukuto, J.

We concur: Boren, P.J.
 Zebrowski, J.

April 14, 1998-Continued

DIVISION TWO (Continued)

B105628 Watson (Not for Publication)

V.
County of Los Angeles

The judgment is reversed.

Fukuto, J.

We concur: Boren, P.J.
 Nott, J.

B115643 People (Not for Publication)

v.
Beres

The Court:

The judgment is affirmed.

Fukuto, Acting P.J., Nott, J., Zebrowski, J.

B108253 People (Not for Publication)

v.
Mayo

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
Zebrowski, J.

DIVISION THREE

B107775 Juan R. Alfaro
 v.
 Sohen Enterprises, Inc.

Filed order dismissing appeal filed November 4, 1996.

B114557 Robert R. Howe (Not for Publication)
 v.
 Regent Villa et al.

The judgment is reversed. Appellant awarded costs on appeal.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION FOUR

B103525 People (Not for Publication)
 v.
 Wright

The judgment of the superior court is affirmed with directions to strike rather than stay one allegation pursuant to Penal Code section 667.5.

Czuleger, J. (Assigned)

We concur: Vogel (C.S.), P.J.
 Baron, J.

April 14, 1998-Continued

DIVISION FOUR (Continued)

[illegible]

The judgment is affirmed.

Czuleger, J. (Assigned)

We concur: Epstein, Acting P.J.
Hastings, J.

B111465 People (Not for Publication)
v.
Aguirre

The Court:

The judgment is affirmed.

Vogel (C.S.), P.J., Hastings, J., Baron, J.

B116328 Interactive Multimedia Artists, Inc. (Certified for Publication)
v.
The Superior Court of Los Angeles County
Allstate Insurance Co., et al.

The alternative writ is denied and the stay is dissolved. The parties are to bear their own costs in this proceeding.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

DIVISION FOUR (Continued)

B104126 Melendez et al. (Certified for Publication)

v.
City of Los Angeles

The judgment is reversed with directions to enter a new and different judgment in favor of City as against respondents. Appellant to have its costs on appeal.

Epstein, Acting P.J.

We concur: Hastings, J.
 Czuleger, J. (Assigned)

B102805 Infinite Productions, Inc., et al. (Not for Publication)

v.
Schmidt

The judgment is reversed with respect to damages, and the award of damages is modified to \$1,795,163.80. The judgment is affirmed in all other respects. The parties are to bear their own costs.

Baron, J.

We concur: Vogel (C.S.), P.J.
 Hastings, J.

B113094 Motion Picture Studio Teachers & Welfare Workers, etc. (Not for Publication)

v.
Jose Millan, as Assistant State Labor Commissioner et al.

The judgment (order) denying attorney's fees is affirmed.

Epstein, Acting P.J.

We concur: Baron, J.
 Czuleger, J. (Assigned)

April 14, 1998-Continued

DIVISION FOUR (Continued)

B106196 Moody (Not for Publication)

V.
City of Santa Monica

The order is reversed and the cause remanded for further proceedings consistent with the views expressed in this opinion. Appellant to have his costs on appeal.

Epstein, Acting P.J.

We concur: Hastings, J.
Baron, J.

B112999 Bull Moose Development Company, Inc. (Not for Publication)

V.
City of Culver City et al.

The judgment of the superior court is affirmed.

Czuleger, J. (Assigned)

We concur: Vogel (C.S.), P.J.
Hastings, J.

DIVISION FIVE

Court convened at 9:00 A.M.

Present: Turner, P.J., Grignon, J., Godoy Perez, J., and Zaida G. Herandez, Deputy Clerk.

Each of the following:

B114136 People v. Michael S.
B114963 People v. Steve S.
B111804 People v. Silva
B113934 People v. Dexter Johnson
B103068 Fridgerock v. Bader
B115594 DCS v. Keturah H.
B112622 People v. Darryl Caldwell

Argument waived, cause submitted.

DIVISION FIVE (Continued)

B103748 Donald H. Stettner
 v.
 City of Los Angeles et al.

Merits:

Argued by Patrick J. Thistle for appellant and by S. David Hotchiss, Deputy City Attorney for respondents. Cause submitted.

B111224 M. Brian Murphy et al.
 v.
 City of Orange et al.

Merits:

Argued by Tony L. Cogliandro for appellant and by Diana L. Field for respondents. Cause submitted.

B090308 The People
 v.
 Sidney J. Casa

Merits:

Argued by Alex Ricciardulli, Deputy Public Defender for respondent. Counsel for appellant having waived argument. Cause submitted.

B112506 The People
 v.
 Joseph J. Quiroz

Merits:

Argued by John F. Schuck for appellant and by Lance E. Winters for respondent. Cause submitted.

DIVISION FIVE (Continued)

B103576 Fulton Associates
 v.
 SMC Real Corp.

Merits:

Argued by Steven L. Sloca for appellant and by SMC Real Corp. for respondent. Cause submitted.

B108022 J.H. McCormick, Inc.
 v.
 Warner Village II Condo. Assn.

Merits:

Argued by Jon B. Eisenberg for appellant and by Paul A. Lax for respondent. Cause submitted.

B102700 John Stafford
 v.
 Mary Ann Sipper
 Robert J. Murrin et al.

Merits:

Argued by Janice R. Mazur for appellant and by Steven M. Nunez and Richard Scott Lysle for respondents. Cause submitted.

Court recessed 11:22 a.m.

The Court reconvened at 11:30 a.m.

Present: Grignon, Acting P.J., Armstrong, J., Godoy Perez, J., and Zaida G. Heraldez, Deputy Clerk.

DIVISION FIVE (Continued)

B112943 Paul W. Hillseth
B099890 v.
Michael C. Maidy

Merits:

Argued by Robert S. Gertstein for appellant and by Steven S. Davis for respondent. Cause submitted.

Court recessed.

The Court reconvened at 12:15 p.m.

Present: Turner, P.J., Grignon, J., Armstrong, J., and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B114925 People v. Anderson
B112317 People v. Vicki J. Belk
B112360 People v. Armas
B111738 People v. Weathersby

Argument waived, cause submitted.

B113654 The People
v.
Scocorro Juarez

Merits:

Argued by Steve Escovar for appellant and by Kenneth N. Sokoler for respondent. Cause submitted.

DIVISION FIVE (Continued)

B113654 The People
 v.
 Omar Billy Godines

Merits:
Argued by Louis Marinus Wijzen for appellant and by David Andrew Eldridge for respondent. Cause submitted.

B108133 Arturo Korafi
 v.
 S.J. Vilicich Corporation

Merits:
Argued by Allan A. Sheno for appellant and by Howard D. Sacks for respondent. Cause submitted.

Court recessed.

The Court reconvened at 1:00 P.M.

Present: Turner, P.J., Grignon, J., Armstrong, J., and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B109813 Kates v. Kates
B113297 Hardin v. Hardin Family Trust

Argument waived, cause submitted.

DIVISION FIVE (Continued)

B111945 Ben Zion Birman et al.
 v.
 Stanley I. Loebe et al.

Merits:

Argued by Matthew M. Tambor for appellant and by Emil W. Herich for respondents. Cause submitted.

B109121 Bi-Rite Meat and Provisions Co., Inc.
 v.
 City of Hawaiian Gardens Redevelopment Agency

Merits:

Argued by Thomas S. Arthur for appellant and by Anthony P. Parrille for respondent. Cause submitted.

B111266 John Aivaz et al.
 v.
 Richard Sahroian et al.

Merits:

Argued by Arthur Fine for appellants and by Joel D. Ruben for respondents. Cause submitted.

B112004 Adele Nunez
 v.
 Linda Davenport
 In Re Conservatorship and Estate of Ocampo

Merits:

Argued by George Whitaker for appellant and by Jay Oberholtzer for respondent. Cause submitted.

Court adjourned.

April 14, 1998-Continued

DIVISION SIX

B116408 Richards (Not for Publication)
v.
1919 State Street

The judgment is affirmed. Costs to respondent.

Yegan, J.

We concur: Stone, P.J.
 Gilbert, J.

[illegible]

The judgment, including the sentence, is affirmed.

Stone, P.J.

We concur: Gilbert, J.
 Coffee, J.

B119552 Kevin K. (Not for Publication)
v.
Ventura Cnty Superior Ct.
DPSS

The petition is denied.

Yegan, J.

We concur: Stone, P.J.
 Gilbert, J.

April 14, 1998-Continued

DIVISION SIX (Continued)

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The judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

B105875 Venue et al. (Not for Publication)
v.
Nutri-Homo, Incorporated et al.

The judgment is affirmed. Costs on appeal are awarded to respondents.

Coffee, J.

We concur: Stone, P.J.
 Yegan, J.

B106044 Taylor (Not for Publication)
v.
County of Los Angeles et al.

The judgment is affirmed. Costs to respondents.

Yegan, J.

We concur: Stone, P.J.
 Gilbert, J.

April 14, 1998-Continued

DIVISION SIX (Continued)

B115966 People (Not for Publication)
v.
Lee

The judgment is modified to delete that portion requiring restitution to the City of Ventura in the amount of \$60. In all other respects, the judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

B112040 Norris (Not for Publication)
v.
Brandman

The order sustaining the demurrer without leave to amend is reversed as to the third cause of action for recovery of usurious interest. All parties are to bear their own costs.

Coffee, J.

We concur: Stone, P.J.
 Gilbert, J.

DIVISION SEVEN

[illegible]

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

April 14, 1998-Continued

DIVISION SEVEN (Continued)

B114635 People (Not for Publication)
v.
Manz

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.

B108257 People (Not for Publication)
v.
Lopez

The judgment of conviction is reversed as to Count I and affirmed as to Counts II and V. The sentence is vacated.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

B092814 People v. Wise and Norris (Not for Publication)
B101445 In re Wise and Norris on Habeas Corpus

As to Norris, the judgment is affirmed. As to Wise, the finding he personally used a firearm in violating section 246.3 is reversed and the sentence vacated. In all other respects the judgment as to Wise is affirmed. The petition for writ of habeas corpus is denied.

Johnson, J.

I concur: Lillie, P.J.
I concur and dissent: Woods, J. (Opinion)

DIVISION SEVEN (Continued)

B101112 Speights
 v.
 Fleischman

Filed order denying petition for rehearing.

B107561 People (Not for Publication)
 v.
 Soto

The judgment is affirmed.

Woods, J.

I concur: Lillie, P.J.
I dissent: Johnson, J. (Opinion)

B109697 Goldstein
 v.
 Fidler and Momotiuk

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment.)

B097693 People (Certified for Publication)
 v.
 Taylor

The judgment is affirmed.

Johnson, J.

I concur: Lillie, P.J.
I concur and dissent: Woods, J. (Opinion)

DIVISION SEVEN (Continued)

B107226 Rinaldi Convalescent Hospital
 v.
 Department of Health Services

Filed order denying petition for rehearing.

B096046 Conrad
 v.
 Rosenthal

Filed order granting petition for rehearing. Dismissal order vacated, appeal reinstated.